

REMARKS

United States nonprovisional patent application serial number 10/071,032, was filed February 8, 2002.

On October 2, 2002, Applicants received an Updated Filing Receipt mailed 09/24/2002, Confirmation no. 3659, from the USPTO that indicated that the instant application had been placed under Secrecy Order. A copy of the Updated Filing Receipt mailed 09/24/2002, Confirmation no. 3659, on two (2) pages is ENCLOSED herewith as EXHIBIT A.

On January 7, 2003, Applicants submitted a Petition Under 37 C.F.R. § 5.4 For Recission of Secrecy Order dated January 7, 2003, and accompanying Petition fee of \$130.00. This petition requested the Commissioner for Patents to rescind the alleged Secrecy Order. A copy of the Petition Under 37 C.F.R. § 5.4 For Recission of Secrecy Order dated January 7, 2003, on six (6) pages and a copy of the Fee Transmittal on one (1) page are ENCLOSED herewith as EXHIBITS B and C, respectively.

On March 14, 2003, Mr. J. C. Samuels from (703) 305-0239 at the USPTO communicated to the undersigned that the instant application had not been placed under Secrecy Order and is not under Secrecy Order. Instead, Mr. Samuels stated that the Updated Filing Receipt mailed September 24, 2002, Confirmation no. 3659, that contained a statement to that effect (see item (1) of the above Petition) was printed in error.

Further, Mr. Samuels stated that Applicants' previous Petition Under 37 C.F.R. § 5.4 For Recission of Secrecy Order dated January 7, 2003, was not necessary in view of the fact that the instant application was not, and is not, under Secrecy Order.

Mr. Samuels further stated that he was sending the application file back to Art Unit 1600.

Applicants deem that their previous Petition Under 37 C.F.R. § 5.4 For Recission of Secrecy Order dated January 7, 2003, and accompanying Petition fee of \$130.00 was filed on the good faith belief of an erroneous USPTO Updated Filing Receipt, which alleged that the instant application had been placed under Secrecy Order.

In view of the communication of March 14, 2003, from Mr. J. C. Samuels referenced above and the above remarks, Applicants deem that the Petition fee of \$130.00 paid with their previous Petition Under 37 C.F.R. § 5.4 For Recission of Secrecy Order dated January 7, 2003, was paid unnecessarily by them due to a USPTO error and should be refunded, preferably to Applicants deposit account no. 23-0455.

Applicants further deem that the Updated Filing Receipt mailed September 24, 2002, Confirmation no. 3659, is in error and should be corrected to delete the phrase "application placed under Secrecy Order."

Applicants still further deem that the Petition fee accompanying the instant petition should also be refunded to Applicants deposit account no. 23-0455 in the event that the instant Petition is granted.

Accordingly, Applicants respectfully request that the Petition fee of \$130.00 paid with their previous Petition Under 37 C.F.R. § 5.4 For Recission of Secrecy Order dated January 7, 2003, and the Petition fee of \$130.00 paid with the instant petition be refunded to Applicants deposit account no. 23-0455. A total refund of \$260.00 is thus being requested by Applicants.

Applicants further respectfully request that the Updated Filing Receipt mailed September 24, 2002, Confirmation no. 3659, be corrected to delete the phrase "application placed under Secrecy Order."

In the event of questions concerning the Secrecy Order status events of United States Application serial number 10/071,032, filed February 8, 2002, the Commissioner

for Patents is respectfully encouraged to contact Mr. J. C. Samuels at (703) 305-0239 in the USPTO.

Applicants hereby incorporate the above-referenced EXHIBITS A to C by reference.

The Commissioner for Patents is hereby authorized to charge any fees required for this communication, or credit any overpayment of fees, to deposit account 23-0455.

The undersigned would welcome a telephone call from the Commissioner to discuss any matters.

Respectfully submitted,

Dated: March 28, 2003

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Enc.

- A copy of the Updated Filing Receipt mailed 09/24/2002, Confirmation no. 3659, on two (2) pages (EXHIBIT A)
- A copy of the Petition Under 37 C.F.R. § 5.4 For Recission of Secrecy Order dated January 7, 2003, on six (6) pages (EXHIBIT B)
- A copy of the Fee Transmittal on one (1) page (EXHIBIT C)